

**Commercial Kennel Canine Health Regulation (#2-170 / IRRC #2785)
Independent Regulatory Review Commission Meeting
Thursday, August 19, 2010**

Testimony of John Simms, VMD, MS

The Honorable Chairman Arthur Coccodrilli and Members of the Independent Regulatory Review Commission, thank you for the opportunity to present my comments today on the commercial kennel canine health regulation.

My name is John Simms, VMD. Although I am an active member of several organizations that may have a direct interest in the regulation discussed here today, my comments do not in any way represent the Pennsylvania Veterinary Medical Association, Pennsylvania Animal Health and Diagnostic and Commission, or the Canine Health Board. They are my own views presented as a private veterinary practitioner in Franklin County, Pennsylvania.

I have been in private mixed-animal practice for 36 years. My exposure to commercial kennels has been through my professional veterinarian-client-patient relationship with producers who own and operate private dairies or other farming operations and also operate commercial canine kennels.

My comments will be general in nature because the details of the Pennsylvania Dog Law and the regulations discussed today are too complex to discuss in this forum. However, I am available to serve as a resource to this body if needed. The focus of my comments and concerns is the well-being of the dogs impacted by these regulations and has little to do with the legality of the regulation, their impact on the regulated community, or their political consequences.

However, that being said, it is imperative that you remain cognizant of the fact that the inability of kennel owners to comply with overzealous regulations in the Commonwealth of Pennsylvania may result in them ceasing their operations and auctioning or selling their dogs to breeders outside of the state. This severely impacts the well-being of the dogs we intend to protect because there is a strong likelihood that they will become production units in less-regulated states. The number of commercial kennels in Pennsylvania has already been reduced by 60% since 2009. We may feel good that we have seemingly achieved our welfare goals, but the dog being sold at the out of state auction is wondering why we let her down. Regardless of your point of view on the commercial kennel industry, supply and demand will continue to exist and the puppy market in Pennsylvania will continue to be supplied by imported pups from less-regulated states. These are imported from states where commercial kennels are booming to meet the supply. If this is the case, have we improved the well-being of these dogs?

The Temporary Guidelines previously proposed were an attempt to satisfy the requirements of a statute that is flawed but is law. The revised regulations before you for consideration are an improvement from those guidelines in many respects and I commend those at the Department of Agriculture for the time and effort spent on trying to improve the work product we developed. However, although other aspects of the regulations have received considerable attention from commentators, the ventilation requirements are probably the most important health-related aspect with the most direct effects on the dogs' well-being.

The changes using cubic feet per minute (cfm) instead of 8-20 air changes per hour are a much more practical approach. Allowing 70% of the air to be recycled instead of replacing 100% 8-20 times per hour is a more achievable standard and lowers the costs by being more efficient. Unfettered access of the dogs to the outdoors still makes any strict standard difficult to achieve. Imagine trying to air condition your home with the windows open. The use of the Heat Index (HI) or Temperature Heat Index (THI) and consideration of humidity to adjust for adverse conditions will greatly enhance the comfort and health of the dogs.

However, concerns still exist with ventilation parameters used. The Cubic Feet per Dog (CFM) measurement as described on page 8 is not a good measure to use because dogs are different sizes. This measure can be used with animals that are all relatively the same size but in a commercial kennel there may be a variety of breeds and sizes of dogs. Therefore, it would be better for the index to be based on total body mass or animal units in the kennel than cubic feet per dog. In addition, in the same section, 6) Design and placement states "ventilation shall provide circulation at the height of the dog, meaning the ventilation system shall be designed and placed in such a manner that each dog is in the moving air stream provided by the ventilation." This raises concerns because it is unknown how this is measured or accomplished especially in light of the fact that dogs of different sizes and heights may be present in the same kennel.

Ventilation parameters exist for swine, poultry and other species, but no proven ventilation standards have been developed for dogs in the commercial kennel with the housing design we have created by this statute. We can only hope that the parameters suggested by engineers and veterinarians will be providing the best health environment for the dogs. There is an opportunity to gather and analyze data generated in these facilities in the future to determine if these parameters do provide that. The Department and the industry should work together to develop standards of care for all commercial kennels with the data that is generated. We have the responsibility to make science where there is very little science available.

Flooring for nursing bitches also deserves mention. The timeframe for this affecting the mother and the need for porous flooring for pups is minimal. Pups are often weaned at 4 weeks of age in commercial kennels. This decreases the effects of lactational anestrus and affects the time that the bitch will return to estrus to be rebred. Bitches usually clean all excrement of their litters for at least the first two weeks of life and maybe longer. If the bitch is removed from the whelping area after 4 weeks and the pups will use the porous area of the enclosure for a few additional weeks, it seems the issue has minimal impact on both. Another issue related to the nursing bitches is that of unfettered access to outdoor exercise. This is not only unreasonable but also presents a major risk to the health of the pups. If the mother has access to the outdoors, what is to stop the pups from following her outside into an area which is too cold or too hot for them and presents a risk to their health? It seems that more latitude should be given to allow for veterinary oversight. The veterinarian and the kennel operator should work together to ensure that the exercise needs of the nursing bitch are met and the health risks to the pups are minimized in whatever way is best to accomplish both.

In closing, there should be careful consideration given to the ventilation requirements required by the final form regulations to ensure that they are in the best interest of the health and welfare of the dogs. Imposing standards based on other species is not the same as imposing

standards based on the same species of animal in the same environment. Isn't it time that Pennsylvania work with kennel operators to secure this data so that if changes are made, that they are in the best interest of the dogs, are able to be complied with, and are enforceable?

Rejecting these regulations puts the kennel owners and their dogs in a Catch 22 situation with no regulations filling the gaps left by the statute. These owners have been in limbo long enough waiting for specific guidelines to begin the loan and construction process before their compliance deadlines run out. The possibility of another submission of regulations by this or the next Administration seems remote to me. The dogs would appreciate your approving these regulations and revisiting them in the future with science-based recommendations.

Thank you for your consideration of my comments and concerns today. If I can be of any assistance, please let me know.

Respectfully Submitted,

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From: simmsj@supernet.com
Sent: Monday, August 16, 2010 4:20 PM
To: IRRC
Subject: Commercial Kennel Canine Health Regulation (#2-170 / IRRC #2785) Arthur Coccodrilli, Chairman Independent Regulatory Review Commission 333 Market Street, 14th Floor Harrisburg, PA 17101 Dear Sir: Attached, please find a document entitled "Commercial Kennel Canine Health Regulation (#2-170 / IRRC #2785)".
Attachments: IRRC-1.doc

Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Dear Sir:

Attached, please find a document entitled "Commercial Kennel Canine Health Regulation (#2-170 / IRRC #2785)".

Please include this document for consideration at the IRRC hearing on the subject on August 19, 2010. I would also appreciate being added to the agenda to present my comments in person. Please contact me if you have any questions.

Thank you,

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